

## **Jeffersonian Republican Congressman Albert Gallatin Attacks the Sedition Act**

*Gallatin was a leading spokesman for the Jeffersonian Republican forces in Congress. His speech captures a number of the essential philosophical and constitutional beliefs of the Jeffersonians. His argument seeks to dismantle the Federalist case in favor of the Sedition Act. Excerpted from Annals of Congress, 5th Cong., 2d sess. (July 5 and 10, 1798), 2:2107, 2109, 2159-60,2162.*

Does the situation of the country, at this time, require that any law of this kind should pass? Do there exist such new and alarming symptoms of sedition, as render it necessary to adopt, in addition to the existing laws, any extraordinary measure for the purpose of suppressing unlawful combinations, and of restricting the freedom of speech and of the press? For such were the objects of the bill, whatever modifications it might hereafter receive....

Was the gentleman afraid, or rather was Administration afraid, that in this instance error could not be successfully opposed by truth? The American Government had heretofore subsisted, it had acquired strength, it had grown on the affection of the people, it had been fully supported without the assistance of laws similar to the bill now on the table. It had been able to repel opposition by the single weapon of argument. And at present, when out of ten presses in the country nine were employed on the side of Administration, such is their want of confidence in the purity of their own views and motives, that they even fear the unequal contest, and require the help of force in order to suppress the limited circulation of the opinions of those who did not approve all their measures. One of the paragraphs says, that it will soon become a question whether there will be more liberty at Philadelphia or Constantinople.. . .

... It was in order to remove these fears [that the Constitution could be interpreted to permit the government to suppress free speech], that the amendment, which declares that

Congress shall pass no law abridging the freedom of speech or the liberty of the press, was proposed and adopted an amendment which was intended as an express exception to any supposed general power of *passing laws, &c.*, vested in Congress by the other clause. The sense, in which he and his friends understood this amendment, was that Congress could not pass any law to punish any real or supposed abuse of the press. The construction given to it by the supporters of the bill was, that it did not prevent them to punish what they called the licentiousness of the press, but merely forbade their laying any previous restraints upon it. It appeared to him preposterous to say, that to punish a certain act was not an abridgement of the liberty of doing that act. It appeared to him that it was an insulting evasion of the Constitution for gentlemen to say, "We claim no power to abridge the liberty of the press; *that*, you shall enjoy unrestrained. You may write and publish what you please, but if you publish anything against us, we will punish you for it. So long as we do not prevent, but only punish your writings, it is no abridgment of your liberty of writing and printing." Congress were by that amendment prohibited from passing any law abridging, &c.; they were, therefore, prohibited from adding any restraint, either by previous restrictions, or by subsequent punishment, or by any alteration of the proper jurisdiction, or of the mode of trial, which did not exist before; in short, they were under an obligation of leaving that subject where they found it of passing no law, either directly or indirectly, affecting that liberty....

Whilst, therefore, they [the Federalists] support the bill in its present shape, do they not avow that the true object of the law is to enable one party to oppress the other; that they mean to have the power to punish printers who may publish against them, whilst their opponents will remain alone, and without redress, exposed to the abuse of Ministerial prints? Is it not their object to frighten and suppress all presses which they consider as contrary to their views; to

prevent a free circulation of opinion; to suffer the people at large to hear only partial accounts, and but one side of the question; to delude and deceive them by partial information, and, through those means, to perpetuate themselves in power?